

N° 554.

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**ALLEMAGNE ET POLOGNE**

Accord relatif au partage du Syndicat des mineurs de Haute Silésie, signé à Posen le 26 août 1922.

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**GERMANY AND POLAND**

Agreement regarding the division of the Upper Silesian Miners' Union, signed at Posen, August 26, 1922.

## TEXTE POLONAI8. — POLISH TEXT.

No. 554. — UKŁAD<sup>1</sup> W SPRAWIE PODZIAŁU GÓRNOŚLĄSKIEJ SPÓŁKI BRACKIEJ, PODPISANY 26-GO SIERPHIA 1922 R.

*Official German and Polish texts communicated by the German Consul at Geneva and by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place January 14, 1924.*

Rząd Niemiecki i Rząd Polski, powodowane życzeniem uregulowania sprawy ubezpieczeń brackich na terenie plebiscytowym Górnego Śląska, koniecznego wskutek odstąpienia Rzeczypospolitej Polskiej części Górnego Śląska, postanowiły w myśl artykułu 214 konwencji<sup>2</sup> Górnośląskiej, zawartej w Genewie dnia 15 maja 1922, ułożyć się w sprawie górnośląskiej spółki brackiej, Oberschlesischer Knappschaftsverein, i mianowały w tym celu swymi pełnomocnikami :

## RZĄD NIEMIECKI :

Posła Dr. Paul ECKARDT', a  
Prezydenta policji Dr. Gottfried SCHWENDY ;

## RZĄD POLSKI :

Wiceministra Dr. Zygmunta SEYDE.

Pełnomocnicy po wzajemnem przedłożeniu sobie pełnomocnictw i po uznaniu ich za wystawione w należytej i właściwej formie, zgodzili się, co do następujących postanowień :

A. PODZIAŁ GÓRNOŚLĄSKIEJ SPÓŁKI BRACKIEJ — OBERSCHLESISCHER KNAPPSCHAFTSVEREIN — I UTWORZENIE NOWYCH SPÓŁEK BRACKICH.

*Artikül 1.*

1. Począwszy od dnia 1 lipca 1922 dzieli się górnośląską spółkę bracką — Oberschlesischer Knappschaftsverein — (poniżej w skróceniu górnośląsk s. b. nazwana) na niemiecką spółkę bracką z siedzibą w Gliwicach (poniżej w skróceniu niemiecka s. b. nazwana) i na polską spółkę bracką z siedzibą w Tarnowskich Górach (poniżej w skróceniu polska s. b. nazwana).

2. Powyższe dwie spółki brackie są następcami prawnymi górnośląskiej s. b., o ile niniejsza lub późniejsza umowa nie zawierają wyjątków .

3. Do 1 lipca 1922 będzie górnośląska s. b. pod dotychczasową, nazwą i w dotychczasowy sposób administrowana, jednakże od dnia zmiany suwerenności przy współdziałale pełnomocnika Rządu Polskiego, wymienionego w ustępie 3 artykułu 31.

<sup>1</sup> The exchange of ratifications took place at Berlin, March 9, 1923.

<sup>2</sup> Vol. IX, page 465 of this Series.

<sup>1</sup> TRANSLATION.

No. 554. — AGREEMENT BETWEEN GERMANY AND POLAND  
REGARDING THE DIVISION OF THE UPPER SILESIAN MINERS'  
UNION, SIGNED AT POSEN, AUGUST 26, 1922.

The GERMAN GOVERNMENT and the POLISH GOVERNMENT, being desirous of regulating the affairs of the Miners' Unions in the Upper Silesian plebiscite area, as the circumstances created by the transfer of portions of Upper Silesia to the Republic of Poland demand, have decided to conclude agreements with regard to the Upper Silesian Miners' Union (Knappschaftsverein) in accordance with Article 214 of the Geneva Convention of May 15, 1922, and have for this purpose appointed as their Plenipotentiaries:

## THE GERMAN GOVERNMENT:

Dr. Paul ECKARDT, Minister Plenipotentiary ;  
Dr. Gottfried SCHWENDY, Chief of Police ;

## THE POLISH GOVERNMENT :

Dr. Zygmunt SEYDA, Deputy Minister.

The Plenipotentiaries, after exchanging their full powers, found in good and due form, have agreed upon the following provisions:

A. DIVISION OF THE UPPER SILESIAN MINERS' UNION AND ESTABLISHMENT  
OF NEW MINERS' UNIONS.

*Article 1.*

(1) From July 1, 1922, onwards, the Upper Silesian Miners' Union shall be divided into a German Miners' Union, with its headquarters at Gleiwitz, and a Polish Miners' Union, with its headquarters at Tarnowitz.

(2) Both these Miners' Unions shall be the legal successors of the Upper Silesian Miners' Union, except in so far as exceptions are laid down in the present or in a subsequent agreement.

(3) Until July 1, 1922, the Upper Silesian Miners' Union shall continue to be administered under the same name and in the same manner as heretofore, with the co-operation, as from the date of the transfer of national sovereignty, of the Polish Plenipotentiary referred to in Article 31, paragraph 3.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

## B. SICKNESS INSURANCE.

*Article 2.*

(1) From July 1, 1922, onwards, all the present members of the sickness insurance association of the Upper Silesian Miners' Union, irrespective of nationality :

- (a) if employed in a Union undertaking situated in the German part of Upper Silesia, shall become members of the sickness insurance association of the German Miners' Union ; and
- (b) if employed in a Union undertaking situated in the Polish part of Upper Silesia shall become members of the sickness insurance association of the Polish Miners' Union.

(2) In the case of mines, the matter shall be determined by the position of the pit-head.

*Article 3.*

(1) If a hospital district (Lazarettbezirk) is intersected by the German-Polish frontier, members of the sickness insurance associations of the German and Polish Miners' Unions shall be entitled, in urgent cases, to receive treatment at the Union hospital which they had hitherto been entitled to visit, even if it belongs to the Miners' Union of the other country.

(2) The Miners' Union which is responsible for providing treatment shall reimburse to the Miners' Union which has actually provided treatment the net cost incurred by admittance into its hospital of members of the former Union. The net cost shall be considered to be the charge which would be made to Union members belonging to the country in which the hospital is situated.

(3) Paragraph 1 shall be valid until denounced by one of the two Miners' Unions, at three months' notice, the denunciation to take effect at the end of a calendar quarter.

*Article 4.*

(1) The German Miners' Union shall place at the disposal of the Polish Miners' Union, in the women's hospital of the Union at Hindenburg, a number of beds amounting, if possible, to three-quarters of those available, provided that they are not required for the patients of the Union concerned and subject to the reimbursement of the net cost (Article 3, paragraph 2).

(2) In return, the Polish Miners' Union shall place at the disposal of the German Miners' Union in the eye hospital of the Union at Kattowitz, in the ear hospital at the same town, in the public hospital at Loslau and in the sanatoria of the Union at Jastrzemb and Gottschalkowitz a number of beds amounting, if possible, to one-quarter of those available, provided that they are not required for the patients of the Union concerned and subject to the reimbursement of the net cost (Article 3, paragraph 2).

(3) The above provisions shall only be valid as long as the institutes concerned are in existence and as long as they are not denounced by one of the Miners' Unions at three months' notice, the denunciation to take effect at the end of a calendar quarter.

*Article 5.*

(1) If members of the one Miners' Union are resident within the territory of the other Miners' Union and in a locality which forms part of a medical district (Kurbezirk) on July 1, 1922, the

other Miners' Union must, as long as the present medical contracts, entered into by the German and the Polish Miners' Unions, are valid, provide medical treatment by the competent district medical officer (Bezirksarzt) to the members of the former Union and their relatives under the same conditions as to its own members and their relatives, without any special application to that effect being necessary.

(2) The same stipulation shall apply as regards treatment by the district specialists (Bezirksfachärzte).

(3) Both Miners' Unions undertake, when entering into new medical contracts, so far as possible, to comply with the foregoing stipulation.

#### Article 6.

(1) Each Miners' Union is under the obligation to pay to the other Miners' Union, for the medical treatment of its members by the district medical officers (Bezirksärzte) of the other Miners' Union, the compensation agreed upon with these officers, including payment in respect of dressings and a fixed sum for costs of conveyance, in the proportion existing between the number of foreign patients and the total number of persons entitled to treatment. In cases in which the district medical officer is reimbursed by his own Union in respect of the actual cost of conveyance, the latter amount shall be refunded.

(2) As regards costs in maternity cases, the actual expenditure shall be refunded.

(3) If an outside doctor has to be consulted, the special costs arising therefrom shall be paid by the Union to which the member in question belongs.

(4) In cases in which the doctors are paid according to the actual number of patients treated, the doctors shall not charge higher fees for the treatment of the members of the other Miners' Union and other persons entitled to treatment than for the treatment of patients belonging to their own Union.

#### Article 7.

(1) Each Miners' Union shall bear, in respect of its members, the cost of supplying medicine and minor surgical appliances. The doctors shall give orders for these supplies on special prescription forms, separate forms being used for each of the Miners' Unions.

(2) Chemists and other purveyors shall address their claims to the Miners' Union of the area in which they are resident, even if such claims concern members of the other Miners' Union.

The first-mentioned Miners' Union shall advance the money on behalf of the Miners' Union to which the cost is chargeable. As regards the amount of such claims, the same rates shall apply as those which are applicable to the members of the first-mentioned Miners' Union.

#### Article 8.

The medical certificates and orders for treatment issued by Union undertakings or by the organs of the German Miners' Union shall also be recognised by the Polish Miners' Union as proof that the person concerned is entitled to receive treatment. This stipulation shall apply reciprocally.

#### Article 9.

Paragraphs 1501—1517 and 1528—1530 of the Insurance Regulations of the Reich shall apply equally in both States, whether the accident has occurred in Germany or in Poland or whether German or Polish insured persons are involved.

*Article 10.*

(1) The weekly benefits shall be refunded jointly by the sickness insurance associations of the German Reich and those of the section of the plebiscite area assigned to Poland, in accordance with paragraphs 197 and 205 (*a*), paragraph 5, of the Insurance Regulations of the Reich contained in the Laws of May 22, 1920, July 29, 1921, and December 28, 1921. Paragraph 205 (*d*), paragraph 1, sentence 1, of the Insurance Regulations of the Reich shall apply both to the German Reich and to the Polish Republic. The German and Polish Miners' Unions shall not refund to each other any expenditure incurred in respect of any period previous to July 1, 1922, during which the insured person belonged to the Upper Silesian Miners' Union. In so far as other insurance associations are entitled to compensation on the ground of membership of the Upper Silesian Miners' Union during the period preceding July 1, 1922, the German Miners' Union shall make payment if the claim for compensation is made by a German sickness insurance association and the Polish Miners' Union if the claim for compensation is made by a Polish sickness insurance association.

*Article 11.*

(1) The two sections of the Upper Silesian plebiscite area shall, in their relations with each other, count as inland districts within the meaning of the second volume of the Insurance Regulations of the Reich.

(2) In calculating sickness insurance payments, full allowance must be made by the sickness insurance associations of a corresponding type situated in the Polish section of the plebiscite area for the period of membership of a person belonging to a sickness insurance association recognised by the law of the Reich or by the sickness insurance association of a German Miners' Union and for any sick benefits which may have been granted. This stipulation shall apply reciprocally.

## C. PENSION FUND.

*Article 12.*

(1) From July 1, 1922, onwards, the active members of the pension association of the Upper Silesian Miners' Union, irrespective of their nationality :

if employed in a Union undertaking situated in the German part of Upper Silesia, shall become members of the pension association of the German Miners' Union ; and

if employed in a Union undertaking situated in the Polish part of Upper Silesia, shall become members of the pension association of the Polish Miners' Union ;

subject to the maintenance of their status as regards length of service and of the claims arising therefrom.

(2) In the case of mines, the matter shall be determined according to the position of the pit-head.

(3) Paragraph 1 shall also apply to persons who insure voluntarily ; they shall be attached to the Miners' Union to which the undertaking belongs where they were last employed, subject to the obligation to belong to the Union.

*Article 13.*

(1) All reversionary rights (*Anwartschaften*) acquired up to June 30, 1922, inclusive, by virtue of membership of the Upper Silesian Miners' Union, shall constitute obligations for the new

Miners' Union in whose administrative district the member in question was last employed as a member of a Miners' Union before the division of the territory.

(2) All reversionary rights acquired up to June 30, 1922, inclusive, by virtue of membership of other German Miners' Unions by members who become members of the Polish Miners' Union under the terms of Article 12, shall remain valid as long as the reversionary rights acquired by virtue of membership of the Polish Miners' Union remain enforceable under the statutes of the latter

(3) If members of a German Miners' Union become members of the Polish Miners' Union, or if members of the latter become members of a German Miners' Union, they shall retain all reversionary rights which they may have previously acquired as long as the reversionary rights acquired by virtue of membership of the Miners' Union receiving them as members remain enforceable under the statutes thereof and provided that such rights have not already lapsed for other reasons.

(4) The cost of meeting any claims which may arise out of such reversionary rights (paragraphs 2 and 3) shall be borne by the Miners' Union which received the contribution or upon the provisions of whose statutes the claim to compensation is based.

#### *Article 14.*

The Treaty of Freedom of Movement concluded between the German Miners' Unions on September 1, 1917, shall cease to have effect as regards the Polish Miners' Union. Paragraph 32 of the Prussian Miners' Union Law of June 3, 1912, shall not apply as between the Prussian Miners' Unions and the Polish Miners' Union. The following provisions shall apply in place of that stipulation (Articles 15—23).

#### *Article 15.*

(1) In the event of claims arising against one or several of the German Miners' Unions, or against the Polish Miners' Union, the adjudicating Miners' Union (Article 18) shall pay the claims in full.

(2) The settlement of accounts between the Miners' Unions shall take place quarterly through the intermediary of the clearing-house of the Miners' Union Re-Insurance Association at Charlottenburg.

(3) By the payment of official recognition fees (Anerkennungsgebühren) to the last Miners' Union, the claims against all the Miners' Unions concerned in the matter (Article 13) shall be maintained. If the recognition fee is payable before July 1, 1922, to the Upper Silesian Miners' Union, it shall be payable from then onwards together with the arrears of recognition fees due on June 30, 1922, to the Miners' Union to which the Union undertaking belongs where the member concerned was last employed.

#### *Article 16.*

(1) Each Miners' Union concerned shall decide in accordance with its statutes, and with Article 13, paragraphs 2 and 3, and paragraph 2 of the present Article, whether, in the event of the interruption of the membership of the Union, a reversionary right remains valid and whether a right which had lapsed has been revived. The statutory time-limits shall not, however, be less favourable than they were before the division of the Upper Silesian Miners' Union.

(2) When considering the question whether the rights already acquired by a workman who accepts employment subject to compulsory insurance remain valid, and whether the workman ought therefore to be admitted as member of the pension fund, and when the question of the amount of the payments to be made is determined, the total number of members must be taken into consideration, without reference to whether such members are members of one or more German Mine rs Unions or of the Polish Miners' Union. (Article 13, paragraph 3.)

*Article 17.*

Paragraphs 1528 and 1529 of the Insurance Regulations of the Reich shall apply equally in both States, whether the accident has occurred in Germany or in Poland or whether German or Polish insured persons are involved.

*Article 18.*

(1) If periods of membership of other Miners' Unions have to be taken into account in fixing the amount of payments under the terms of Article 16, paragraph 2, the Miners' Union to which the last contributions were paid shall determine, without appeal, for all Miners' Unions :

Whether the last reversionary right acquired is valid ;

Whether the full period until the reversion is due has elapsed (in this matter, the decisions of the Miners' Unions concerned as to how long the period of membership has lasted and whether the rights accruing therefrom are still in existence is final) ;

Whether disablement or death was due to an accident occurring in the ordinary course of the member's employment or by a general accident affecting the mine or works.

In the case of claims to disablement pensions, based on the information supplied by the member himself and medical certificates, the Union shall decide :

Whether and as from what date the member concerned is incapable of carrying on his work ;

and in the case of widows' pensions :

Whether and at what date the death of the member concerned occurred or, in the case of disappearance, is to be regarded as having occurred ; and

Whether the applicant is in fact the widow of the member.

(2) The cost of educational grants (orphans' maintenance) and of assistance in paying funeral expenses, together with the cost of free medical treatment and free medicaments, shall be borne by the last (adjudicating) Miners' Union at the rate laid down in its statutes.

*Article 19.*

(1) If the Miners' Unions of both countries should be concerned in proceedings regarding the payment of contributions, or the withdrawal of a disablement pension, the one Miners' Union shall lay the documents before the other for consideration before coming to any decision.

(2) The German Miners' associations shall be represented by the German Miners' Union.

(3) The Miners' Union of the other country may demand the taking of evidence, and may lodge any appeal admissible under the law. (Art. 38.)



*Article 20.*

Each of the Miners' Unions concerned shall, before taking a decision with regard to a claim against it, determine, in accordance with its statutes and the provisions of the present Agreement :

Whether the rights which the member has acquired are still in existence or whether they have lapsed (e.g. as a result of composition), what period of service he is entitled to claim and what contributions he ought to pay ;  
whether payments should be refused on special grounds ;  
whether and to what extent they should be reduced ;  
whether and to what extent other sums should be credited towards such payments ;  
whether the contributions should cease before the appointed date ;  
whether and to what amount a composition should be made.

*Article 21.*

(1) In dealing with claims, each of the Miners' Unions concerned shall give formal judgment, subject to appeal, on the basis of the decisions which it has to take under Article 20.

(2) The last adjudicating Miners' Union shall embody its own decisions in a general decision, together with those of the other Miners' Unions concerned. The individual decisions shall be added as an annex, and the whole shall be forwarded to the claimant according to the terms of the Unions' statutes.

*Article 22.*

(1) If a person whose case has been dealt with by a German Miners' Union disputes the decisions of the Polish Miners' Union, or if a person whose case has been dealt with by the Polish Miners' Union disputes the decisions of a German Miners' Union, Article 38 shall apply.

(2) If an appeal is lodged with the wrong authorities, but within the proper time limit, and if it is seen on examination to be wholly or partly directed against the decision of another Miners' Union, the latter shall be under an obligation to recognise the appeal as having been lodged in due time, even as against its own decision.

*Article 23.*

If a general decision or a partial decision is modified, the Miners' Unions concerned must modify their decisions in so far as they are affected by the modification in favour of the claimant.

*Article 24.*

(1) From July 1, 1922, onwards, the German Miners' Unions shall undertake, in respect of the disabled men, widows and orphans of the Upper Silesian Miners' Union entitled to pensions at that date, and irrespective of their nationality :

the payment of sums due to persons who are living on July 1, 1922, in a locality situated in the German part of Upper Silesia, or elsewhere in the German Reich ;

the Polish Miners' Unions shall, as from that date, undertake :  
the payment of sums due to persons who are living on July 1, 1922, in a locality situated in the Polish part of Upper Silesia or elsewhere outside the German Reich.

(2) Fatherless children shall be regarded as resident at the place of residence of the mother, even if they are housed elsewhere.

(3) The payment of sums due to pensioners shall not be refused by the German Miners' Unions on the ground that the persons concerned are resident in the administrative district of the Polish Miners' Union. This stipulation shall apply reciprocally.

(4) The above provisions shall apply to insured persons, and to their surviving dependents, whose claims in connection with the coming into force of the present Agreement shall be determined by legal decisions given by German policy-holders and by the insurance tribunals.

(5) If a final legal decision has not yet been given with regard to claims of the kind mentioned in paragraph 4, arising out of the coming into force of the present Agreement, the proceedings shall be instituted by the policy-holders and by the insurance tribunals whose Miners' Union is competent from July 1, 1922, onwards to determine the amount of the payments to be made.

#### *Article 25.*

The Miners' Union, which assumes responsibility for making payments as from July 1, 1922, onwards, must also pay any arrears of payments due from the Upper Silesian Miners' Union, provided that the claims for such payments have not lapsed through superannuation ; it shall, however, have the right to demand repayment from the other Miners' Union of that part of the amount for which the latter is liable when the final settlement of accounts takes place.

#### *Article 26.*

(1) If any person entitled to receive payments transfers his residence within the Upper Silesian plebiscite area into the district of the other Miners' Union, he shall maintain in respect of himself and his relatives all his claims to pension fund payments by the Miners' Union which was hitherto liable.

(2) Payment shall, however, be made from the beginning of the month succeeding the transfer of residence by the Miners' Union into whose administrative district the claimant has transferred his residence. Article 15, paragraph 2, shall apply as regards the settlement of accounts between the Miners' Unions concerned.

(3) Articles 5-7 shall apply as regards the granting of free medical treatment and medicals.

(4) A composition may only be made if the claimant agrees thereto. Such agreement is not necessary if the claimant is in receipt of an accident annuity which is claimed by the Miners' Union in cases in which a composition is made with the claimant on account of this annuity by the Association which is liable.

#### *Article 27.*

The maintenance of right of interchange between the German Miners' Unions and the Polish Miners' Union shall be subject to the following conditions :

(a) That legislation should be materially the same in both sections of the plebiscite area ;

- (b) That the German mark should be the only legal tender in the Polish part of Upper Silesia ; and
- (c) That the provisions of the statutes regarding the grant and withdrawal of annuities and the administrative measures in connection therewith should not be modified in the one country without being equally modified in the other country.

#### D. ALLOCATION OF PROPERTY.

##### *Article 28.*

As the question of the final allocation of property has not yet been settled, both Governments agree to leave the matter on one side to be settled by further negotiations.

##### *Article 29.*

As regards the intermediate period, the following provisions shall be applicable :

- I. (r) Possession and control shall be assumed :
  - (a) by the German Miners' Union of the land, whether built over or not, situated in its administrative district, and belonging to the Upper Silesian Miners' Union, together with any buildings thereon and the scheduled fixtures, equipment and foodstuffs contained therein on July 1, 1922 ; and
  - (b) by the Polish Miners' Union of the land, whether built over or not, situated in its administrative district, and belonging to the Upper Silesian Miners' Union, together with any buildings thereon and the scheduled fixtures, equipment and foodstuffs contained therein on July 1, 1922.

2. The mortgage deeds of the mortgages held by the Upper Silesian Miners' Union shall be deposited pending the final allocation of property at the cost of the Upper Silesian Miners' Union with the Swiss National Bank. The administration of the mortgages and the collection of the interest thereon shall be effected by the German Miners' Union in the case of mortgaged property situated in Germany and by the Polish Miners' Union in the case of mortgaged property situated in Poland. These receipts shall be taken into account when the final allocation of property is effected.

(3) Stock exchange securities belonging to the Upper Silesian Miners' Union shall be deposited at the same bank at the cost of the Upper Silesian Miners' Union until the final allocation of property is effected. The interest shall be collected and administered by the bank. Both Governments undertake not to enforce, in connection with the carrying out of the foregoing arrangements, any legal provisions which may be contrary thereto. Claims against the Reich based on entries in the land register shall immediately be converted into bonds and shall then be dealt with in the same manner as the afore mentioned securities. The German Government shall immediately arrange for the conversion thus provided for, if necessary, by ceding such claims to the Reichsbank.

(4) Claims on promissory notes against communes, corporations or individuals shall be transferred by the Upper Silesian Miners' Union to the German Miners' Union and to the Polish Miners' Union as joint creditors (paragraph 398 of the German Civil Code). The debtors shall at once be informed of the transfer and shall be notified that the capital may not be repaid to either of the two creditors without the consent of the other ; they shall also be informed to whom the interest and sums in respect of amortisation are to be paid pending the final allocation of property. The administration and collection of the interest shall be effected by the German Miners' Union

in the case of debts recoverable in Germany, and by the Polish Miners' Union in the case of debts recoverable in Poland. These receipts shall be taken into account when the final allocation of property is effected. The promissory notes shall be deposited at the treasury at Tarnowitz after copies thereof have been transmitted to the German Miners' Union.

II. The liquid assets available on July 1, 1922 (cash and bank credits), shall, subject to a subsequent settlement of accounts, be divided between the German Miners' Union and the Polish Miners' Union, one-quarter to be transferred to the former and three-quarters to the latter, this being approximately the proportion between the number of members of the two Miners' Unions. The credit or debit balance existing on September 1, 1922 (Article 32), shall be divided in the same proportion. Both Governments undertake to permit the conveyance of the liquid assets to be transferred in this manner from the one country to the other and not to impose taxes, duties or other charges thereon.

III. (1) The German Miners' Union shall finally, subject to a subsequent settlement of accounts, receive :

- (a) as much office furniture and equipment from the main administrative buildings as is required for the establishment of one hundred officials and employees ;
- (b) the fittings of the dental laboratory at Beuthen ;
- (c) the scheduled articles contained in the offices of the Union co-operative association at Beuthen ;
- (d) the motor-car at present used by the Union ;
- (e) a share, corresponding to the division of the liquid assets provided for in II, of the materials and printed forms which may be stored in the depots of the administration at Tarnowitz, in the dental laboratory at Beuthen and in similar establishments, even if they have not yet been delivered to the Union (*e. g.*, stocks in the hands of contractors, articles deposited for safekeeping, former military waggons, etc.) ;
- (f) the articles on exhibition at Charlottenburg ;
- (g) the consulting-room installations (including those in dental clinics) in the administrative area of the German Union.

(2) The Polish Miners' Union shall, subject to a subsequent settlement of accounts, receive definitely :

- (a) The printing press forming part of the scheduled contents of the main administrative building and the whole of the materials and stock at present at Beuthen ;
- (b) a share, corresponding to the division of the assets provided for in II, of the materials and printed forms which may be stored in the depots of the administration at Tarnowitz, in the dental laboratory at Beuthen and in similar establishments, even if they have not yet been delivered to the Union (*e. g.*, stocks in the hands of contractors, articles deposited for safekeeping, former military waggons, etc.) ;
- (c) the Röntgen-ray apparatus, with accessories, belonging to the scheduled equipment of the hospital at Loslau and at present deposited at Hindenburg ;
- (d) doors which belong to the Upper Silesian Union and which are still stored at a depot on German territory ;
- (e) the consulting-room installations, including those in dental clinics, in the area of the Polish Union.

(3) The articles mentioned above in I and II shall be handed over against payment of ready cash and shall be conveyed at once on the same day, at the cost of the Upper Silesian Miners' Union, to their new destination and shall be set up there ready for use at the cost of that Union.

IV. The Union hospital at Petershofen shall remain the joint property of the German Miners' Union and of the Polish Miners' Union. The receipts shall be divided according to the proportions

laid down in II and special agreements shall be concluded between the two Unions regarding the administration of this hospital.

*Article 30.*

If it should be impossible to arrive at an agreement regarding the division of property by November 15, 1922, the German and Polish Miners' Unions shall submit to the provisions contained in Article 214 paragraph 1, of the Geneva Agreement of May 15, 1922.

E. GENERAL PROVISIONS AND PROVISIONS FOR THE TRANSITION PERIOD.

*Article 31.*

(1) As from July 1, 1922, the Governing Body of the Upper Silesian Miners' Union shall be regarded as dissolved.

(2) The present members of the Governing Body of the Upper Silesian Miners' Union shall, in so far as they represent undertakings and members which remain German and have their permanent place of residence in Germany, continue, until the election of the new Governing Body, which must take place within a maximum period of six months, to carry on the business of the Governing Body; the places of the members of the Governing Body whose permanent residence is not situated in Germany shall be taken, in the order laid down in the Notice issued by the Governing Body on February 9, 1920 — *Official Journal* of the Government at Oppeln, 1920, No. 7, pages 68-69 — by the deputy members residing in Germany.

(3) The rights and obligations of the Governing Body of the Miners' Union, so far as the Polish Miners' Union is concerned, shall be transferred to a Plenipotentiary, to be appointed by the Polish Government, who shall, for a transition period of ten years, sit as a member of the Governing Body of the Polish Miners' Union. The present members of the Governing Body of the Upper Silesian Miners' Union shall, provided they represent undertakings and members which remain Polish and have their permanent residence in Poland, continue, until the election of the new Governing Body, which must take place within a maximum period of six months, to carry on the business of the Governing Body, in co-operation with the Plenipotentiary of the Polish Government; the places of the members of the Governing Body whose permanent residence is not situated in Poland shall be taken, in the order laid down in the Notice issued by the Governing Body on February 9, 1920 — *Official Journal* of the Government at Oppeln, 1920, No. 7, pages 68-69 — by the deputy members residing in Poland. These members of the Governing Body shall undertake as soon as possible after July 30, 1922, the appointment of the Director of the Union.

*Article 32.*

(1) July 1, 1922, shall be the day on which the division between the German and Polish Miners' Unions of the property of the Upper Silesian Miners' Union shall be effected. From that date onwards the German and Polish Miners' Unions shall carry on their business separately. A joint financial administration shall, however, be carried on up to September 1, 1922, at Tarnowitz for the purpose of settling the accounts relating to business transacted by the Upper Silesian Miners' Union previous to July 1, 1922; the German Miners' Union shall for this purpose appoint two officials thoroughly familiar with the methods of bookkeeping hitherto in use.

(2) Any receipts which may come in after September 1, 1922, and which properly belong to the period preceding July 1, 1922, shall be accepted by the Miners' Union to which they are remitted. Similarly, payments in respect of consignments of goods delivered before July 1, 1922,

and payments falling due on and after September 1, 1922, shall, by agreement with the other Miners' Union, be paid by the Miners' Union to which the claim is addressed.

(3) The mutual settlement of accounts in connection with these receipts and payments shall take place at the end of each calendar quarter.

*Article 33.*

The division of the medical districts (Kurbezirke) (see Articles 5 and 6) must be made so as to correspond with the German Polish frontier line.

*Article 34.*

In so far as the question of the status under existing contracts (claims in respect of posts and pensions) of Miners' Union employees has not been clearly determined, the two Governments agree that this matter shall be left on one side to be settled by further negotiations, more particularly since certain decisions of the Governing Body and of the Courts are still pending.

*Article 35.*

The pensions of former Miners' Union officials and doctors as established up to June 30, 1922, together with the pensions of the widows and orphans of deceased Union officials and doctors, including cost of living bonuses and allowances in respect of children, shall be paid jointly by the German and Polish Miners' Union. The payment shall be effected by the German Miners' Union so long as the pensioners are resident in Germany, and by the Polish Miners' Union so long as they are resident outside Germany. The payment shall be made in the currency of the German Reich, if no other arrangement has been made with the pensioners. This expenditure shall be borne by the German and Polish Miners' Unions in proportions to be fixed at the time of the final settlement.

*Article 36.*

Former Miners' Union officials and doctors who pay "recognition fees" shall pay them to the Miners' Union of the country in which they are resident.

*Article 37.*

(1) The German Miners' Union shall be entitled to take with it all documents relating to insured persons and hospitals within its administrative area.

(2) Documents of a general character shall be handed over to the Miners' Union which is chiefly interested in the documents.

(3) The handing over of the documents shall be effected under the supervision of an official of the German Miners' Union and an official of the Polish Miners' Union. In so far as documents drawn up before July 1, 1922, are of interest to the other Miners' Union, the latter shall be entitled to obtain copies of such documents.

(4) The foregoing provisions shall also apply to document files, lists and certificates of identity.

(5) After July 1, 1922, the German and Polish Miners' Unions shall reciprocally exchange documents regarding insured persons resident in the administrative area of the other, and each Union shall allow the other to inspect any documents which it has taken over, and on request

shall furnish information regarding the contents of such documents and issue copies of the smaller documents.

*Article 38.*

(1) All matters concerning the relations between German Miners' Unions and the Polish Miners' Union, between German Miners' Unions and members of the Polish Miners' Union or between the Polish Miners' Union and members of German Miners' Unions, or matters in which the Miners' Unions of the other country are indirectly concerned, shall :

- (a) if they relate to questions of payment or membership, be determined by a committee composed of two members each of the Governing Bodies (employers and workmen) of the German Miners' Union and the Polish Miners' Union ;
- (b) if they relate to disputes which the Miners' Union arbitration tribunal and the appellate arbitration tribunal in Miners' Union matters would be competent to decide, they shall be referred to a mixed Miners' Union arbitration court for decision. This court shall consist of two members each of the Governing Bodies (employers and workmen) of the German Miners' Union and the Polish Miners' Union and a chairman. Each of the two Governments shall appoint a chairman from among persons competent to act as judges ; the chair shall be occupied alternatively by representatives of both sides.

(2) The procedure to be observed by the committee mentioned in paragraph 1 (a) shall be settled by a special agreement to be concluded between the German Miners' Union and the Polish Miners' Union, and the procedure to be observed by the arbitration court mentioned in paragraph 1 (b) shall be settled by the court itself in co-operation with its two chairmen. The seat of the Miners' Union arbitration court shall be in the German part of Upper Silesia when the German chairman is presiding, and in the Polish part of Upper Silesia when the Polish chairman is presiding.

*Article 39.*

All questions which are not settled between the German Miners' Union and the Polish Miners' Union by the present Agreement, except such as are reserved for subsequent negotiation, and all differences of opinion arising out of the present Agreement, shall be submitted, together with reasoned statements, to an adjustment committee composed of two members each of the Governing Bodies of the German and Polish Miners' Unions, and, if this committee fails to arrive at an agreement, to the mixed Miners' Union arbitration court mentioned in Article 38, paragraph 1 (b), which shall pronounce sentence in the last resort.

*Article 40.*

Applications, complaints and petitions of all kinds may be presented in the German or Polish language without distinction to either of the two Miners' Unions and, so far as Union questions in the Upper Silesian plebiscite area are concerned, to the administrative authorities and courts. The fact of having chosen the language of the other country shall not constitute any ground for a rejection of the application.

*Article 41.*

(1) The German Miners' Union and the Polish Miners' Union shall, until their statutes have been drawn up, recognise as binding in law the statutes of the Upper Silesian Miners' Union which

were in force on July 1, 1922, subject to any modifications which may result from the transfer of national sovereignty or the provisions of the present Agreement.

(2) The German Miners' Union and the Polish Miners' Union undertake, previous to any alteration in the statutes, to afford an opportunity in good time to the other Miners' Union to express its opinion and to take the latter's wishes into careful consideration before coming to any decision. The other Miners' Union shall be informed of the final version of the statutes.

*Article 42.*

The German Miners' Union and the Polish Miners' Union shall, upon request, furnish information to each other with regard to the general conditions regarding employment and pay of doctors, officials and other employees, in order to render possible the uniform regulation by the two Miners' Unions of all matters relating to rates of pay and other conditions of service.

*Article 43.*

(1) In cases in which claims may be put forward by third parties after July 1, 1922, against the Upper Silesian Miners' Union, they shall be duly investigated by the German and Polish Miners' Unions and, if the claims are recognised on both sides to be justified, they shall be duly admitted by the two Miners' Unions and the expenditure thereunder shall be borne, subject to a subsequent settlement of accounts, in the proportion fixed for the provisional allocation of the liquid assets (Article 29, II).

(2) In the event of differences of opinion arising, the adjustment committee shall be called upon to decide the matter, and the provisions of Article 39 shall apply.

*Article 44.*

If, in consequence of an alteration in the frontier line, a Union undertaking or place of residence ceases, after July 1, 1922, but before June 30, 1923, to be within the administrative area of the German Miners' Union and falls within that of the Polish Miners' Union or *vice versa*, the provisions of Articles 2, 12 and 24 shall, *mutatis mutandis*, apply.

*Article 45.*

(1) The foregoing stipulations, in so far as they affect both the German Miners' Unions and the Polish Miners' Union, shall be valid until December 31, 1926, unless otherwise provided. They shall be valid for every subsequent period of one year, unless they are denounced six months before the expiration of that period.

(2) If the law regarding Miners' Union insurance is modified to a material extent in either of the two States, or if the German mark ceases to be the sole legal tender in the Polish part of Upper Silesia, the two Governments shall take immediate steps to regulate the relations between the German Miners' Unions and the Polish Miners' Union by means of a new agreement.

The present Agreement, of which the German and Polish texts are both authentic, shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Berlin.

The Agreement shall come into force immediately after the exchange of the instruments of ratification, and shall have such retrospective effect as its provisions may require.

In witness whereof, the Plenipotentiaries have signed the present Agreement and affixed their seals thereto.

Done in duplicate at Posen on August 26, 1922.

(Signed) Dr. PAUL ECKARDT.

(Signed) Dr. ZYGMUNT SEYDA.

(Signed) Dr. GOTTFRIED SCHWENDY.